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GAME'S NEW DEAL

—1933-1983

by Ken McLeod

Prologue

In Washington D.C., FDR was inaugurated for his first term and the country was handed a "New Deal" that would eventually lead it out of the economic depression. In Washington State, the people were given a new state-wide control of fish and game that promised a new deal for sportsmen. In the following article, Ken McLeod, one of the original drafters of the initiative that created the Department of Game, gives his account of the events surrounding the birth of the department. This article is adapted from a lecture given at the Game Department's 25th personnel school in 1964 at Pacific Lutheran University in Tacoma.



An avid steelheader, McLeod was instrumental in early efforts to make steelhead a game fish. (Photo courtesy Ken McLeod.)

A joint state-county game control system was in effect until the end of 1932, but since it was dominated by the 117 county game commissioners, three for each of the state's 39 counties, it was generally called the county control system. Under the provisions of the Administrative Code of 1921, a Department of Fisheries and Game was created to cover both commercial and game fish. The department director was appointed by the governor, and he in turn named a supervisor of fisheries and a supervisor of game. There was also a three-man fisheries board to establish seasons and policies, but the members fought so much the governor dismissed them and the State Legislature abolished the board.

So this was the picture: The board of county commissioners named the game commissioners for their respective counties, subject to rubber-stamp approval by the state supervisor of game, who was appointed by the state director of fisheries and game, who was in turn appointed by the governor. The county game commissions controlled the spending of their own funds, and while they were sup-

posed to make an accounting of same to the game supervisor, they often didn't. The county game commissions also named their own county game warden and deputies. They also set the seasons and bag limits, within legislative limits, and the seasons were, at least in theory, subject to approval of the state game supervisor.

County game funds were spent within the respective counties, while state funds went to support state hatcheries, game farms and state wardens' salaries. Four counties were so poor they had no game wardens, and 10 counties had only part-time men.

To the license buyer, this meant a state license could be bought for \$7.50 (80 percent going to the state and 20 percent to the county where it was sold), and a county license for \$1.50 (10 percent to the state and 90 percent to the county). Sale of a county license was not restricted to residents of that county alone, of course, and a King County resident could buy individual licenses for Snohomish, Skagit and Whatcom counties — all at one sporting goods shop in Seattle!

Washington's old county game control system was riding on the crest of its power and political arrogance in the mid-twenties. Many of the county game commissioners were wealthy and powerful men, and, as in most political structures of this sort, there was a clique of "strong men" who allowed no interference with their influence and authority.

Suggestions and recommendations from sports groups and even from reformers within their own ranks for improvements in the system were generally met with ridicule or rebuke. The state supervisor of game in the mid-twenties, J. Warren Kinney, was told by the county game commissions' power elite that if he didn't play along with the program and stop criticizing some county game actions, he "would not stay." They got to him. He did not stay.

R.D. Lytle, an enlightened member of the Pierce County Game Commission who worked closely with sportsmen's groups and who was an advocate of cleaning out the old county system, ran into criticism of his views at a county game commission meeting in Yakima in 1932. A newspaper reporter noted that



An avid steelheader, McLeod was instrumental in early efforts to make steelhead a game fish. (Photo courtesy Ken McLeod.)

Washington Department of Game

"It was only on the insistence of Virgil Bennington, himself a county game commissioner from Walla Walla, that Lytle was permitted to talk."

I don't know if Lytle convinced Bennington, but I do know that Bennington was one of the appointees to the new state commission less than a year later. And Bennington turned out to be a very capable state game commissioner who served with distinction until 1953. (*Bennington died earlier this year in Walla Walla at the age of 93. — Ed.*)

The revolt against the county system centered largely among the license holders and sportsmen of the more populous area of King, Pierce and Kitsap counties, although there were malcontents in Spokane, Yakima, Skagit, Whatcom, Clallam, Lewis and Grays Harbor counties and many other places. Arrogance on the part of commissioner and staff, poor law enforcement, deteriorating fishing and hunting, and high administrative costs that left little for propagation were underlying causes of

the unrest sweeping the ranks of fishermen and hunters.

County game commission champions and politicians who defended the system were well aware of the discontent developing, but they were able to defeat



Fighting for and writing about the outdoor recreation he loves has occupied Ken McLeod most of his 85 years. (Photo courtesy Ken McLeod.)

About the Author

by Maureen Pierre

Ken McLeod is one of the original founding fathers of the Washington State Game Commission and the Game Department. Born in Seattle in 1898, McLeod grew up hunting quail near what is now his home in the Ravenna District, and fishing for steelhead in local rivers. His love for the outdoors provided a direction for much of his professional life and he was outdoor editor for the Seattle Post-Intelligencer newspaper from 1931 to 1950.

He shares his interests in wildlife and conservation with his wife Evelyn, and their home is filled with brass and wooden plaques awarded him by numerous sportsmen's groups over the years. He was named the Washington State Sports Council's outstanding sportsman in 1936 and he has served as secretary-treasurer of the group since the early fifties. He was one of the original organizers of the Sports Council and along with the late Don Johnson,



former state fisheries director, he stumped the state signing up clubs for the new organization.

Speaking about the beginnings of the state game control movement, McLeod says, "We'd go to the Legislature mainly for laws to protect steelhead, and get laughed at. In my first year at the P-I, I knew we had to go with an initiative. That year, the P-I's publisher put on a dinner at the Olympic Hotel and invited 40 senators and representatives to dinner, so we could explain what we felt was needed. They ate dinner and left before we could speak. We went to the next (legislative) meeting, and told them this was the last time we were coming there. We're filing an initiative and get rid of all you people, and that's just what we did."

Later, after the success of Initiative 62, McLeod was active in support of Initiative 77 that did away with the fish trap industry in Washington, making over 175 speeches around the state in its behalf. He drafted 11 bills in 1943 dealing with conservation of the resource, and all passed into law, which may still be some kind of legislative skulduggery record.

He is an inventor of "useful" items, an amateur photographer and a strong family man whose chief aim remains today as it was when he fought for Initiative 62 — conservation and protection of wildlife species.



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Washington Department of Game

every legislative effort made for relief. During the 1931 session, legislators at a committee meeting were told that the only relief possible would have to come by initiative; that the sportsmen had tried the legislative process for the last time.

A number of events preceding the "last stand" in the Legislature fired up sportsmen's groups to the extent that they would not settle for anything less than state game control. Formation of the Steelhead Trout Club of Seattle in 1928 played a big part in what was to come, and in actually forcing subsequent events. The Steelhead Club was formed from among leaders of the big Seattle Sportsmen's Association, which had as many as 3,000 members at one time, but less than a dozen of whom took an active role.

The Steelhead Club wanted only committed, dedicated workers who would fight for the goals of the organization. The formation of this group of firebrands was sparked by the huge number of winter steelhead that turned up in anglers' catches marked and torn by gillnets. Since relief from such abuses was difficult to obtain from the top-heavy sportsmen's associations, a handful of steelheaders decided to form the steelhead club to really get things done.

Steelhead were then classed as food fish and were taken legally by commercial gear. They were also caught in large numbers by illegal gillnets operating in many rivers. The first victory of the new club was when the 1929 Legislature made the steelhead a game fish and prohibited its sale as fresh fish. The classification prevailed only after they had ascended a river above the river's mouth or beyond commercial areas as set by the director of fisheries and game. This wasn't all that the sportsmen wanted, but it was a start.

In 1930 the club, backed by 10,000 petition signatures, asked the director of fisheries and game to close the winter commercial salmon seasons that extended variously from November 5 to March 1 in parts of Puget Sound and in the Skagit and Snohomish rivers. These winter commercial salmon seasons were only excuses to catch and sell steelhead,

since it was not necessary to have salmon in the open areas to be "legally fishing for them."

Finally, the director issued an order in October of 1931 that closed the Vashon Island area open salmon season and the season on the Snohomish. After more protests, he also closed the Skagit and all of Puget Sound from November until the following May for commercial salmon fishing. The loophole was that Grays Harbor, Willapa Harbor and the coastal rivers were still open and commercial traffic in steelhead was still possible.

During all this time, the steelheaders were aggressively carrying on a war on illegal netting. They formed night drifting parties, hijacked some nets and destroyed others that were left unattended in daytime. They made themselves so generally embarrassing to the county game wardens that the County Game Commissioners and Game Wardens Association successfully sponsored a bill in the 1929 Legislature making it a misdemeanor for anyone other than a police officer to molest an illegally placed gillnet. This did little to improve relations between the aggressive steelheaders' organizations and the King County Game Commission.

The steelheaders then changed their tactics. They would locate illegal nets and phone in their locations to the authorities. The nets, however, were usually removed before the enforcement officers would arrive, with the result that the steelheaders lost all confidence in the integrity of the county enforcement agencies.

I recall one specific instance when I personally bird-dogged a dozen or so steelhead being offered at retail on the Seattle waterfront. I called the King County Game Commission office and told them what I had found, but even though they insisted on knowing, I refused to give them the location and name of the violator. I demanded they pick me up in a patrol car, and I would go with the warden and direct him to the fish house. They rather reluctantly agreed.

We proceeded to the place and Bill Sweet, the warden, in my presence then made the arrest at a well-known waterfront establishment and seized the fish. The judge who heard the case found the



defendants guilty and levied a fine of \$300 - the first fine to my knowledge involving steelhead and our county game commission. I might add that steelhead anglers attended the justice court trial en masse.

Our relations with the King County Game Commission had not completely broken down, however. We were still cooperating on various projects such as steelhead plants and building of rearing ponds. Our club supplied the commission with about \$2,800 for construction of two circular concrete rearing ponds at Tokul Creek for rearing of steelhead fingerlings. We also got them to promise that they would build two more ponds if the club members would clear the land for them.

The club members turned out in force on May 10, 1931, and did a bang-up job on the clearing assignment, only to have the commission renege on the deal. They bought five new Essex automobiles with the money they were going to use for the rearing ponds. The disappointment only resulted in a greater determination of a determined gang to clean house - but good.

Again in 1931, following marginal gains on steelhead protection, the sportsmen had to fight back another strong move in the Legislature that would have made steelhead a food fish and permitted its wide-open sale throughout the state.

All this tied the steelheaders more firmly into the state game control movement, and many of its hardcore members joined in formation of the Washington State Conservation Association in 1931 for the sole purpose of drafting, sponsoring and campaigning for an initiative to submit to the voters at the next general election.

The officers of the new association set about studying the administration of game in other states and came up with a comprehensive measure which was turned over to "Judge" Charles Gleason

Washington Department of Game

to draft the initiative in its final form. Judge Gleason was reputed to have been a top-notch bill-drafter for legislative sessions for 25 years and to have never drawn a bill that was declared unconstitutional. At the time he was chosen to draft the initiative, he was totally blind.

His final draft of the state control measure was filed in January of 1932 and designated as Initiative No. 62. It divided the Department of Fisheries and Game into two separate departments. First it created the Department of Fisheries and abolished the fisheries board, replacing it with a director of fisheries with powers to make rules and regulations for its operation. It also created the Department of Game and the state Game Commission and set up rules under which the commission and the game director would operate.

After filing the initiative with the Secretary of State, we began immediately to campaign for the 50,000 signatures of registered voters we needed to qualify. It was a difficult job because permanent registration was not in effect at the time, and it was in the midst of the Great Depression, and there was virtually no money for any advertising other than what could be generated from free publicity from sympathetic sports writers. We were fortunate in having the Seattle, Tacoma and Bremerton newspapers with us solidly, and most of our signatures were collected in King, Pierce, Kitsap and Spokane counties. The signature campaign yielded some 78,000 names, of which 65,000 were ultimately certified and Initiative 62 was assured a place on the ballot, November 8, 1932.

Seeing the ready acceptance of the initiative in the population centers of the west side of the state, the county game commissioners became alarmed and voted to spend county game funds for an "educational program" clearly aimed at defeating Initiative 62. Besides the county game commissioners and the wardens' association opposing the measure, many legislators, individual clubs dominated by local county game commissions in most of the state and the State Grange were in opposition. The counties most content with the existing setup were those with fairly capable game commis-

sions or where human populations were low and good game bird populations existed.

The campaign was one of great enthusiasm on the part of the sponsors. It ranged from street corner spiels to formal debates with the opposition, to a three-mile-long parade in downtown Seattle, to neighborhood processions put on by the small fry whose dads were crusading on the main front.

The reaction of the public to the county game commissioners' education program was the reverse of what they expected, and Initiative 62 carried with a resounding majority in King, Pierce and Kitsap counties and with lesser majorities in three other counties. The heavy majorities piled up in the six counties were needed to overcome the deficits in the other 33 counties of the state.

Along with the success of Initiative 62, under the capable direction of Ben Paris, who personally described himself as a "professional agitator" harking back to his days in organized labor, Clarence D. Martin was swept into the governor's chair in the democratic landslide of 1932. According to law, the initiative became effective on December 8, approximately 30 days before the new Legislature and new governor were seated.

The question immediately arose as to whether outgoing Governor Roland Hartley or Martin would appoint the new game commission. There was no doubt that Hartley had the authority to make the appointments, as well as name the new director of fisheries, a real political plum.

It was not a matter of public record, but it was well understood that the deal was made on Hartley's terms: that he would pick the new fisheries director and Martin would name his own game commission. Otherwise, Hartley could name them both under his lame duck tenure. As things turned out, it was a happy political wedding. The new game commission was successfully launched and the fisheries director served for eight years under Governor Martin.

The Washington State Conservation Association, having completed its major objective, offered its full cooperation to



the new department. But it kept a critical eye on the organization of the new state department to guard against its slipping back into the political mire from which the state's game affairs had just emerged. There were rough spots from time to time, but they were smoothed over in a remarkably short time with the new cooperative spirit that prevailed between the game officials and the sportsmen.

Not only did Initiative 62 give the state's game administration a new, solid start, but it gave new confidence to sportsmen's organizations everywhere — a sort of renaissance. For the first time in the state's history, the sportsmen had won a major victory — and against one of the most politically entrenched organizations in the state.

The Game Commission was designed in such a way that no incoming governor could take control of it. In 1935, Governor Martin established a precedent at the request of the Sports Council when he agreed to appoint game commissioners from a list of those recommended by the council.

The state abided by this system, but in 1945 a bill was introduced allowing the governor to appoint the game director at his pleasure, which would have put the direction of wildlife resource back at square one. As soon as the governor signed the bill, the Sports Council filed a referendum to undo it, obtained the necessary signatures to get it on the ballot and won at the ballot box by a margin of more than seven to one. As I recall the vote tabulation, every county in the state voted to retain the system established by Initiative 62, which was voted into effect by only six counties. What a change in sentiment in 14 years!

The system of appointing commissioners from a list supplied by sportsmen has been followed almost without a hitch, except for Governor Wallgren's

Continued on page 35

Game's New Deal

Continued from page 15

term in the forties. It is a system unique in the annals of state game commissions throughout the nation, and the selections have consistently been of high calibre, eliminating any stigma of partisan control of the department and the hiring of political hacks.

Remember this one point well — the sportsmen created the Washington State Game Department as it exists today. And most of us are proud of it. We sought no monetary rewards of any kind in crusading for it. And I cannot think of a single individual connected with the original movement who was directly benefited dollarwise as a result of it.

There are always new issues to be resolved, but working together, today's enlightened sportsmen and state conservation agencies can achieve success in our common goals — but, by following the pattern of an earlier era, only disaster can result. □